

Serial No. 09/964,564

REMARKS

INTRODUCTION

Claims 1, 2, 5, 6 and 8-10 were previously pending and under consideration.

Claim 10 is cancelled herein.

Therefore, claims 1, 2, 5, 6, 8 and 9 are now pending and under consideration.

Claims 1, 2, 5 and 9 are allowed.

Claims 6 and 8 are rejected.

Claims 1 and 5 are objected to.

Claims 1, 5, and 6 are amended herein.

No new matter is being presented, and approval and entry are respectfully requested.

ENTRY OF AMENDMENT UNDER 37 CFR §1.116

Applicant requests entry of this Rule 116 Response because:

(a) it is believed that the amendment of the claims puts this application into condition for allowance as suggested by the Examiner;

(b) the amendments were not earlier presented because the Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed; and

(c) the amendments of the claims should not entail any further search by the Examiner since no new features are being added or no new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

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INTERVIEW SUMMARY

During an informal interview Applicant explained that the recent Office Action was received with missing/defective pages. The Examiner explained the Office Action and the Applicant suggested some claim amendments, which the Examiner agreed would be acceptable and would not prevent allowance of the application. Should the Examiner change his position on allowability, Applicant requests the Examiner to call the undersigned.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450
on March 2, 2005

STAAS & HALSEY

By: Rachel M. LiberDate: March 2, 2005